Protecting Alaska's Cook Inlet watershed and the life it sustains

Summary of April 27, 2006 Testimony by Lois N. Epstein, P.E.
Before the Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U.S. House of Representatives

Hearing on Pipeline Safety: A Progress Report Since the Enactment of 'The Pipeline Safety Improvement Act of 2002'

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1. Public information – direct PHMSA to:
    a) Reinstate public access to the National Pipeline Mapping System,
    b) Create a web-based enforcement document docket,
    c) Remove regulatory exemptions from over-pressurization reporting
2. Ensure that PHMSA develops oil pipeline shut-off valve location and performance standards
3. Ensure that PHMSA issues leak detection system performance standards for oil pipelines in High Consequence Areas
4. Reauthorize and ensure that Congress appropriates money for Pipeline Safety Information Grants
5. Remove the "low-stress" oil pipeline exemption
6. Require PHMSA to provide web-based data on federal and state pipeline inspection and enforcement activities and an annual report to Congress on civil and criminal enforcement including penalty issuance and collection, and allow state regulators to pursue enforcement on interstate pipelines
7. Direct PHMSA to expand High Consequence Areas so they include cultural and historic sites, parks and refuges, and fishable and swimmable waters
8. Mandate a deadline for distribution pipeline integrity management regulations to be in place
9. Maintain the current natural gas transmission pipeline integrity management reassessment interval

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Good morning. My name is Lois Epstein and I am a licensed engineer and an oil and gas industry specialist with Cook Inlet Keeper in Anchorage, Alaska. Cook Inlet Keeper is a nonprofit, membership organization dedicated to protecting Alaska's 47,000 square mile Cook Inlet watershed, and a member of the Waterkeeper Alliance of 130+ organizations headed by Bobby Kennedy, Jr. My background in pipeline safety includes membership since 1995 on the U.S. Department of Transportation's Technical Hazardous Liquid Pipeline Safety Standards Committee which oversees the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) oil pipeline activities and rule development, testifying before Congress in 1999, 2002, 2004, and last month on pipeline safety, and researching and analyzing the performance of Cook Inlet's 1000+ miles of pipeline infrastructure by pipeline operator and type.1 I have worked on environmental and safety issues for over 20 years for two private consultants, the U.S. Environmental Protection Agency, Environmental Defense, and Cook Inlet Keeper.

My work on pipelines in Alaska allows me to see how well the policies developed in DC operate in the "real world." The Cook Inlet watershed, which includes Anchorage and encompasses an area larger than Virginia, is where oil and gas first was developed commercially in Alaska beginning in the late 1950s. Cook Inlet is an extraordinarily scenic and fisheries- and wildlife-rich, region, so ensuring that fisheries and the environment remain in a near-pristine condition is an important Alaskan value.

I also am a part-time consultant for the Pipeline Safety Trust, located in Bellingham, Washington, and my testimony today reflects both Cook Inlet Keeper and the Pipeline Safety Trust's views. Carl Weimer, the Executive Director of the Pipeline Safety Trust, is in Texas this week speaking at the annual American Petroleum Institute pipeline conference, so he could not be with us today. The Pipeline Safety Trust came into being after the 1999 Olympic Pipe Line tragedy in Bellingham, Washington which left three young people dead, wiped out every living thing in a beautiful salmon stream, and caused millions of dollars of economic disruption to the region. After investigating this tragedy, the U.S. Department of Justice (DOJ) recognized the need for an independent organization which would provide informed comment and advice to both pipeline companies and government regulators and would provide the public with an independent clearinghouse of pipeline safety information. The federal trial court agreed with DOJ's recommendation and awarded the Pipeline Safety Trust $4 million that was used as an initial endowment for the long-term continuation of the Trust's mission.

Background

The Pipeline Safety Improvement Act of 2002 became law on December 17, 2002 following two particularly tragic pipeline accidents: in Bellingham, Washington in June 1999 and near Carlsbad, New Mexico in August 2000. The 2002 law contains some needed improvements but, like many acts of Congress, it represents a compromise among competing interests. As a result, safety will be improved, but not necessarily by as much or as fast as the public would like.

To put my presentation into context, the graphs below display the performance of the pipeline industry over time based on reported incidents and incidents/mile (the latter multiplied by appropriate factors for graphical display purposes). As you can see from the hazardous liquid pipeline data

[1] See *Lurking Below: Oil and Gas Pipeline Problems in the Cook Inlet Watershed*, 28 pp. plus appendices, 2002, and follow-up reports in 2003 and 2005. www.inletkeeper.org/pipelines.htm

displayed in Figure 1, reported hazardous liquid pipeline incidents began dropping after 1994. 1994 is two years after Congress imposed mandatory requirements on the Office of Pipeline Safety (OPS) – now part of PHMSA – to prevent releases that impacted the environment, as opposed to releases which solely affect safety. From Figure 1, it appears that natural gas distribution pipeline incidents are trending slightly upward, while natural gas transmission pipeline incidents clearly are increasing. These upward trends may in part be an artifact of the recent increases in the price of natural gas which, in turn, increases the number of incidents above reporting thresholds (due to the cost of lost gas).

Figure 1

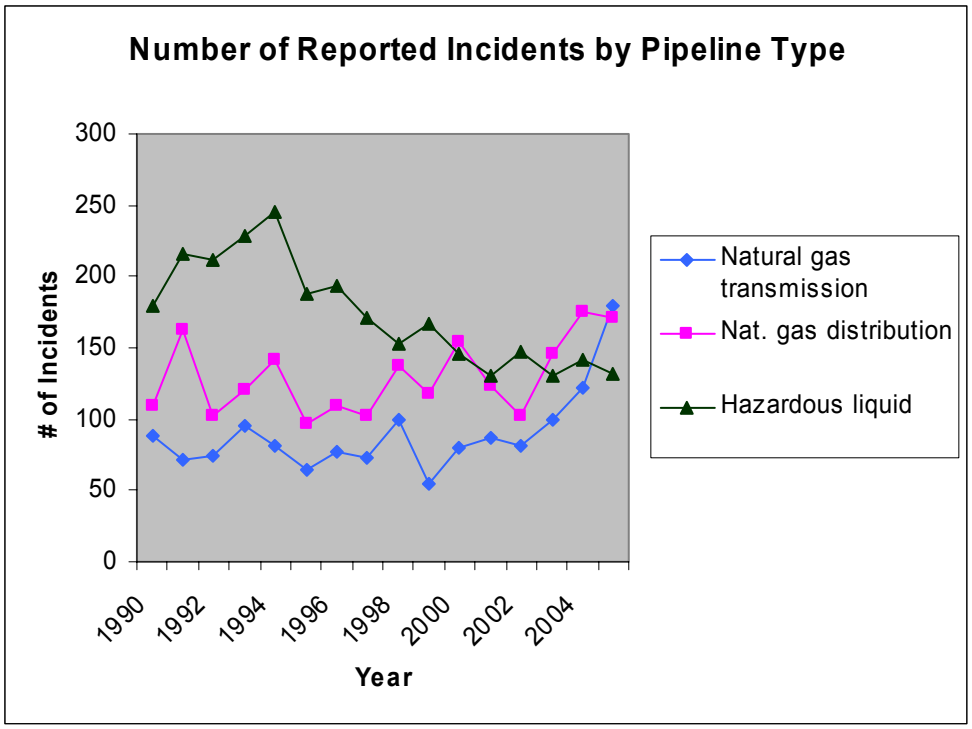
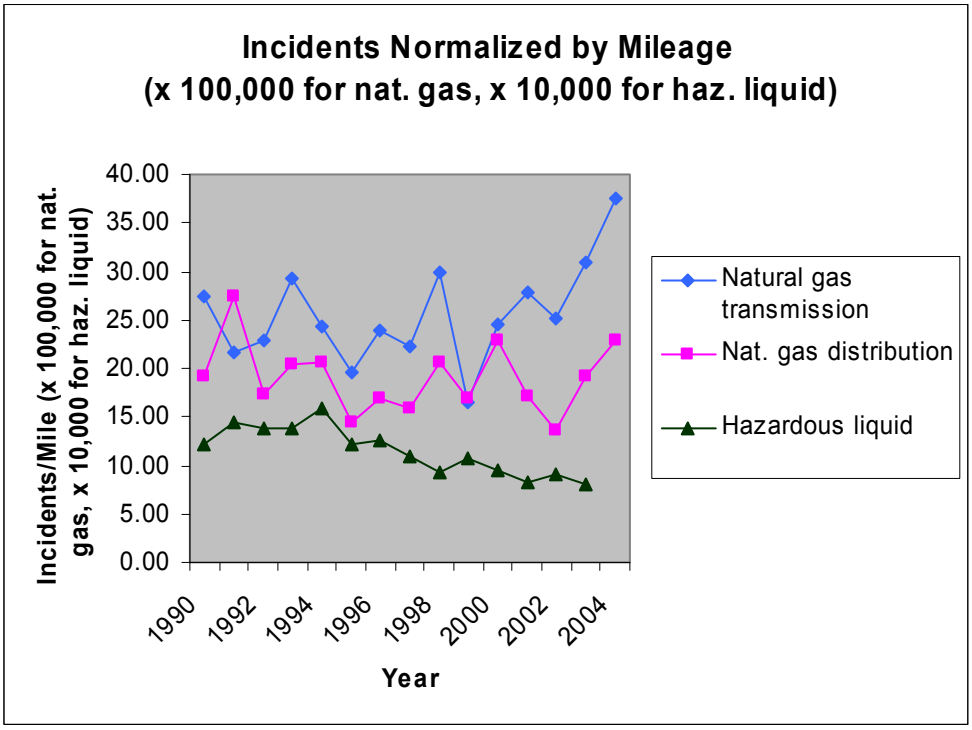


Figure 2 shows incidents divided by, or normalized by, pipeline mileage, which is a better way of measuring performance than the number of incidents alone since it accounts for changes in the number of incidents based on increased or decreased pipeline mileage. What is important to notice in Figure 2 is not the number of incidents per mile, but the trends this graph shows. The graph reinforces the improving performance of hazardous liquid pipelines, with a clear downward trend. Natural gas distribution pipelines do not show an upward or a downward trend in performance. Natural gas transmission pipelines, however, show a clear increase in the number of incidents per mile (again, at least some of this increase may be an artifact of the recent increase in natural gas prices). As I stated in my June 15, 2004 testimony before the Senate Commerce Committee, however:

> The most important rule issued as a result of the 2002 law, the natural gas transmission pipeline integrity management rule published on December 15, 2003…will not reduce incidents on those lines for several years and it's unclear how much of a reduction we can expect. This is true for several reasons. First, the law requires baseline integrity assessments to occur within 10 years, with 50% of the assessments occurring within 5 years of the law's enactment; this

long timeframe will delay the benefits. Second, because the rule only applies to an estimated 7% of transmission pipelines,[2] by 2007 (i.e., five years after the law's enactment) we may expect only a 3.5% reduction in incidents, though the incidents that do occur should take place in areas of lesser consequences. Third, since the rule allows the use of not-fully-proven methodologies (i.e., "direct assessment" and "confirmatory direct assessment"), we need to wait several years to see whether OPS' approach to this rule will result in a meaningful reduction in incidents.

Figure 2



Taking into account the different multipliers used, Figure 2 also shows that hazardous liquid transmission pipelines have a reported higher incident/mile rate than either type of natural gas pipeline, however the reporting thresholds for the different types of pipelines also differ.

Issues to Address During Oversight and Reauthorization

Based on the data shown in Figures 1 and 2, PHMSA's reported performance to overseers including its federal advisory committees, the U.S. Government Accountability Office, and members of Congress, and a key recent incident on the North Slope of Alaska, I will discuss the oversight and legislative improvements needed to guide PHMSA and state pipeline agency actions until the next reauthorization.

[2] OPS states in the preamble to the rule "that about 22,000 miles of gas transmission pipelines are located in the [High Consequence Areas] in a network of 300,000 miles of gas transmission pipeline." (68 Federal Register 69815, December 15, 2003)

Before I begin with recommended changes, I would like to commend the progress OPS/PHMSA has made under its current leadership. For the first time, hazardous liquid (i.e., oil) and natural gas transmission pipelines must be internally inspected, and rulemaking is proceeding to include integrity management requirements for gas distribution pipelines, where the majority of deaths and injuries occur. Pipeline operators now have clear requirements for communicating to the public and local governments, and PHMSA has unveiled valuable new additions to its own website and communication programs. Perhaps just as significant, many forward-thinking pipeline companies have taken pipeline safety seriously enough that they are now leading by example and operating and maintaining their pipelines in ways that go beyond the minimum federal standards. Everyone should celebrate this progress, while acknowledging that continuous evaluation and improvement can make pipelines considerably safer yet and thereby restore the public's trust in pipelines.

With respect to PHMSA oversight, I will discuss:

- Public information access – pipeline maps, inspection and enforcement activities, and over-pressurization reporting,
- Oil pipeline shut-off valve location and performance standards, and
- Leak detection system performance standard(s).

With respect to reauthorization needs, I will cover the following:

- Pipeline Safety Information Grants,
- Removal of the "low-stress" oil pipeline exemption,
- Enforcement,
- High Consequence Areas,
- Distribution pipeline integrity management, and
- Natural gas transmission pipeline integrity management reassessments.

Public information. One of the public interest community's highest priorities is to ensure that there is accurate information easily available to local governments and the public to allow them to independently evaluate – sometimes with technical assistance – the safety of nearby pipelines. PHMSA has made good progress in this area, but some of the most important information pieces still are missing.

Pipeline Maps – Maps that allow local government emergency responders, planners, and zoning officials to know where pipelines are in relation to housing developments and other infrastructure are critical to prevent pipeline damage and increase safety. Maps that allow the public to see the locations of nearby pipelines also are the best way to capture the public's attention regarding pipeline safety, increase their awareness of pipeline damage, and enlist them to be the eyes that help prevent damage. Maps also allow home-buyers and businesses to decide their own comfort level with living near pipelines.

The Pipeline Safety Improvement Act of 2002 required pipeline companies to provide PHMSA with data for the web-based National Pipeline Mapping System (NPMS) so maps could be available for the above purposes. Unfortunately after the September 11th, 2001 terrorist attacks, the NPMS became a password-protected system that required users to agree not to share the NPMS information with anyone else. The NPMS thus is not available to the public, and the system is largely useless for local governments because pipeline location information cannot be added to local Global Positioning Systems or planning maps due to the non-disclosure requirement.

The removal of NPMS maps from the web out of fear that terrorists may use them to find targets flies in the face of common sense. Major malls and stadiums, which are tempting targets, have no such non-disclosure requirement. Additionally, the locations of pipelines are no secret – in fact 49 CFR 195.410 requires that "Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that [a pipeline's] location is accurately known." All that has been accomplished by removing maps from the web is to increase the problems of encroachment near pipelines, unintentional damage to pipelines, and public skepticism about pipeline safety.

The removal of the NPMS from the web also has caused some states, such as Washington and Texas, to spend limited state dollars to duplicate PHMSA's mapping system so that local governments and the public can have access to this valuable information.

For these reasons, Congress should direct PHMSA to reinstate access to the NPMS so local governments can plan and the public can be aware of the pipelines that run through its midst.

Information on Inspection and Enforcement Activities – One of the most important functions that PHMSA provides is its ongoing independent inspection of pipeline companies' operations, maintenance, and training programs. Unfortunately, no portion of PHMSA's inspection findings are available for local government or the public to review, leaving everyone outside of PHMSA and operators guessing the condition of pipelines and even if inspections are taking place.

The pipeline industry itself complains about this lack of transparency. Individual companies know when they have been inspected, but often have to wait months or years to learn the outcome of inspections and, if there are no problems, they may hear absolutely nothing. This lengthy and frequently non-existent feedback system for operators is unfair, and does not improve safety the way a timely feedback system would.

There should be a coversheet for each inspection that includes basic information such as pipeline segment inspected, inspection date, concerns noted, and corrections required. If this basic information, along with associated correspondence between PHMSA and operators were provided on a web-based docket system that could be searched by state or operator name, it would go a long way toward increasing trust in pipeline safety.

For non-compliance-related enforcement actions, PHMSA should create a web-based enforcement document docket where the public could view enforcement as it progresses. The docket would include PHMSA's Notices of Probable Violation, operators' responses, transcripts of hearings, and final decisions. This would provide the public with a transparent enforcement system that would either instill confidence in PHMSA's efforts, or provide the documentation needed to improve the system.

Over-Pressurization Reporting – One of the clearest measurements of whether a pipeline operator has good control over its pipeline system is the frequency that it allows the system to exceed the maximum allowable operating pressure plus a permitted accumulation pressure for natural gas pipelines, or 110% of the maximum operating pressure for liquid pipelines. Unfortunately, the vast majority of these events are not required to be reported to PHMSA, so neither the federal government nor the public can use this information to determine whether pipeline operators are causing unwarranted stress on their

lines and therefore need greater scrutiny. For these reasons, the exemptions from reporting these events contained in 49 CFR 191.23(b) and 49 CFR 195.55(b) should be removed.

Oil pipeline shut-off valve location and performance standards. In 1992, 1996, and 2002, Congress required OPS to "survey and assess the effectiveness of emergency flow restricting devices…to detect and locate hazardous liquid pipeline ruptures and minimize product releases."[3] Following this analysis, Congress required OPS to "prescribe regulations on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device (emphasis added)."[4]

OPS/PHMSA never issued a formal analysis on emergency flow restricting device (EFRD) effectiveness. Instead, in its hazardous liquid pipeline integrity management rule,[5] OPS rejected the comments of the National Transportation Safety Board, the U.S. Environmental Protection Agency, the Lower Colorado River Authority, the City of Austin, and Environmental Defense and chose to leave EFRD decisions up to pipeline operators (after listing in the rule various criteria for operators to consider). It is unlikely such an approach to EFRD use meets Congressional intent, partly because the approach is virtually unenforceable and not protective of important environmental assets such as rivers and lakes. At this time, Congress needs to reiterate its previous mandates to PHMSA on EFRD use.

Leak detection system performance standard(s). In its hazardous liquid transmission pipeline integrity management rule, PHMSA requires that operators have a means to detect leaks, but there are no performance standards for such a system. Similar to the situation for EFRD use, PHMSA listed in the rule various criteria for operators to consider when selecting such a device.[6] Again, such an approach is virtually unenforceable and not protective of important environmental assets such as rivers and lakes. Thus, Congress needs to direct PHMSA to issue a performance standard(s) for leak detection systems used by hazardous liquid pipeline operators to prevent damage to High Consequence Areas.

Pipeline Safety Information Grants. Section 9 of the 2002 law states that:

> The Secretary of Transportation may make grants for technical assistance to local communities and groups of individuals (not including for-profit entities) relating to the safety of pipeline facilities in local communities…The amount of any grant under this section may not exceed $50,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section. (§ 60130(a)(1))

To date, PHMSA has not established any such procedures, nor has it had any success obtaining appropriated funds for this purpose. As time goes on, there are missed opportunities for use of these funds, e.g., such funds might have helped community organizations understand the technical and regulatory issues associated with the Tucson gasoline pipeline accident in July 2003, as well as the Kentucky-based state-wide organization working on the substantial Kentucky and Ohio River crude oil

[3] 49 USC 60102(j)(1).

[4] 49 USC 60102(j)(2).

[5] 49 CFR 195.452(i)(4).

[6] 49 CFR 195.452(i)(3).

pipeline spill of January 2005. Likewise, such grants are needed to assist public interest groups in commenting on technical regulations and to participate in technical standards development.

Cook Inlet Keeper, the Pipeline Safety Trust, and other public interest organizations urge Congress to make certain that this section of the 2002 law is carried out as intended. Congress needs to ensure that authorization of this program continues and money to fund the grants is appropriated.

Removal of the "low-stress" oil pipeline exemption. Last month on March 2, 2006 the largest oil spill to date on the North Slope of Alaska of 200,000 gallons or more was discovered at a caribou crossing located in a PHMSA-recognized High Consequence Area. This spill came from a BP crude oil transmission pipeline that was exempt from PHMSA regulations because it was a "low-stress" hazardous liquid pipeline that met the following criteria: it did not transport a highly volatile liquid (HVL), it was located in a rural area, and it was outside a waterway currently used for commercial navigation.[7] According to BP, the pipeline "had known interior and exterior corrosion damage. Because of this, BP had downgraded the maximum pressure allowed within the line…"[8] Figure 3 shows the extensive cleanup operation which occurred (and is still ongoing) at this site.

Figure 3

Oil recovery efforts, March 13, 2006, Unified Command photo.

It's clear from Figure 3 that "low-stress" hazardous liquid transmission pipelines can cause significant damage when there is a release. Congress recognized this fact and included the following provision in the pipeline safety law:

[7] 49 CFR 195.1(a)(3).

[8] "Workers respond to Prudhoe spill: Leak may be one of largest in 29 years of production," Wesley Loy, Anchorage Daily News, March 4, 2006.

> **Prohibition against low internal stress exception.** The Secretary may not provide an exception to this chapter for a hazardous liquid pipeline facility only because the facility operates at low internal stress.[9]

To provide necessary protection of the environment, Congress now needs to direct PHMSA to remove the "low-stress" hazardous liquid pipeline exemption from the regulations, perhaps retaining only the "low-stress" exemption for HVL lines. While low-stress lines may release hazardous liquids at a rate that is less than other transmission lines, this winter's spill on the North Slope shows that they pose comparable environmental hazards and should be regulated similarly.

Enforcement. The public and, presumably, pipeline operators have very little evidence that the increased penalties contained in Section 8 of the 2002 pipeline safety law are being consistently used and collected by PHMSA to send a message to pipeline operators that violations are both unacceptable and costly. This reality, along with PHMSA's relative lack of judicial enforcement actions and the current inability of qualified states to pursue pipeline safety enforcement actions, leads to a still-problematic enforcement environment for pipelines. *It is not enough for PHMSA to pursue consent agreements and enforcement actions against individual violators (e.g., Kinder Morgan following multiple releases[10]) if these actions do not convey to the industry as a whole that all operators are at risk of serious penalties for non-compliance and/or incidents.*

Cook Inlet Keeper and the Pipeline Safety Trust propose two modest and one substantive and significant legislative changes at the end of this section in order to ensure improved enforcement accountability, visibility, and effectiveness.

As evidence of current problems with pipeline safety enforcement, consider that:

- In my response to follow-up questions from Senator Breaux after the June 15, 2004 Senate Commerce Committee hearing, I stated that PHMSA needs to pursue several, high-profile preventive enforcement actions related to pipeline safety requirements in instances where there have not been releases. These include violations of corrosion prevention requirements, improper performance of direct assessment (a less-proven means of integrity assessment than smart pigging which PHMSA allows natural gas transmission pipelines to use), exposed pipelines, poorly performed repairs, etc. While PHMSA occasionally pursues enforcement actions related to these types of violations, practically no one except the violator knows that it has done so because penalties are low, media attention is limited or non-existent, it is hidden on the PHMSA website if it is visible at all, etc.
- PHMSA can pursue enforcement actions for interstate pipeline violations but qualified state regulators cannot, though the large number of state regulators can assist in inspection and analysis of violations. In fiscal year 2003, PHMSA employed approximately 75 inspectors[11] who were responsible for oversight of roughly 6,000 miles of interstate transmission pipeline each, a very large number of miles per inspector. Additionally, federal inspectors may not be

[9] 49 USC 60102(k).

[10] Pipeline and Hazardous Materials Safety Administration, CPF No. 5-2005-502H.

[11] GAO, op. cit., p. 12.

as aware of certain technical, geographic, and even management issues associated with interstate pipelines as state regulators because of state officials' proximity to the lines.

- The Bellingham, WA proposed penalty in 2000 was $3.02 million, which was negotiated down to $250,000 nearly five years later. The Carlsbad, NM proposed penalty in 2001 was $2.52 million however, to date, no penalty has been collected.
- In contrast to PHMSA, the U.S. Environmental Protection Agency (EPA) has issued and collected several recent, multi-million dollar penalties from hazardous liquid pipeline companies for their releases (EPA cannot use its capabilities to enforce against natural gas pipeline releases). These EPA penalties are shown in the following table. *Note that the lowest of the EPA pipeline penalties is still nearly 12 times larger than the largest PHMSA-collected penalty from March 7, 2002 – March 31, 2006.*[12]

Company	Date	Penalty	Summary of Violations
Mobil E & P	8/04	$5.5 mill.	Oil and produced water releases, inadequate prevention and control, failure to notify EPA of releases
Olympic Pipeline/Shell	1/03	>$5 mill. - Olympic >$10 mill. – Shell	> 230,000 gal. of gasoline released, 3 human deaths, over 100,000 fish killed
Colonial Pipeline	4/03	$34 mill.	1.45 mill. gal. of oil released in 5 states from 7 spills (from corrosion, mechanical damage, and operator error)
ExxonMobil	9/02	$4.7 mill.	Approx. 75,000 gal. of crude oil released, fouling a river and nearby areas
Koch Industries, Inc.	1/00	>$35 mill.	Approx. 3 mill. gal. of oil released in 6 states (from corrosion of pipelines in rural areas)

As a result of these ongoing problems with PHMSA enforcement, Cook Inlet Keeper and the Pipeline Safety Trust recommend that the federal pipeline safety statute be amended to:

1. require PHMSA to provide web-based data on federal and state pipeline inspection and enforcement activities, including basic information such as pipeline segment inspected, inspection date, concerns noted, and corrections required as discussed above;
2. require PHMSA to submit an annual report to Congress on civil and criminal pipeline safety enforcement, including penalty issuance, collection, and reasons for significant penalty reductions; and,
3. allow qualified state pipeline safety officials to pursue enforcement actions against interstate pipeline operators. This recommendation, while significant, is necessary to maximize use of state and federal regulatory resources in the service of pipeline safety.

High Consequence Areas. Those portions of transmission pipelines that could affect High Consequence Areas (HCAs) are subject to the greatest regulatory oversight, i.e., the hazardous liquid and natural gas transmission pipeline integrity management rules. Currently, HCAs for hazardous

[12] Response letter from Brigham A. McCown, PHMSA Acting Administrator, to Congressmen John D. Dingell and Rick Boucher, April 18, 2006.

liquid transmission pipelines cover commercially navigable waterways, high population areas, and drinking water and ecological resources. HCAs for natural gas transmission pipelines cover high-density and other frequently-populated areas. According to industry-submitted data, approximately 40% of hazardous liquid transmission lines could affect HCAs, but over 80% of hazardous liquid transmission pipelines likely will be smart-pigged or pressure-tested for pipeline integrity.[13] If, in fact, over 80% of the hazardous liquid transmission lines meet the standards of the integrity management rule (including post-pigging repairs), that is an excellent step toward improved pipeline safety.

There are portions of hazardous liquid transmission pipelines that do not fall within the 40% of the lines that could affect HCAs which nevertheless should have the protection afforded by the integrity management rule. Congress needs to direct PHMSA to expand the definition of HCAs to include the following areas – parks and refuges, and fishable and swimmable waters.[14] For reasons that are obvious to most anyone, parks and refuges and fishable and swimmable waters are areas of unusually high environmental sensitivity. At the time of HCA rule development, OPS took a narrow view of HCAs, partly for resource reasons and partly because of the need to issue the rule in a timely fashion. At this point in time, PHMSA is better able to expand the HCA rule to cover parks and refuges and fishable and swimmable waters.

Additionally, in mandating identification of HCAs in the 1992 statute, Congress did not include language about HCAs covering culturally and historically significant resources. This is a clear gap in the current statute, which Congress now needs to address.

Distribution pipeline integrity management. The majority of deaths and injuries from pipelines occur from incidents on the distribution pipeline systems that bring gas to our towns, businesses, and homes. From 2001-2005, 61 people died along these pipelines and 236 were injured. PHMSA, states, industry, and private organizations have undertaken an aggressive work plan to come up with an integrity management program for distribution pipelines. The Phase 1 report on this plan was released in December 2005,[15] and all involved deserve thanks for their efforts. It is imperative that this plan now moves to the adoption of rules as soon as possible. Congress should adopt a deadline for regulations to be completed on this important issue.

The proposed distribution pipeline integrity management program poses one area of concern: the lack of a mandatory excess flow valve (EFV) requirement. Congress asked PHMSA to set standards for the circumstances in which excess flow valves should be required,[16] and the National Transportation Safety Board (NTSB) recommended that excess flow valve installation be mandatory in new construction and when existing service pipelines are replaced or upgraded.[17] The International

[13] PHMSA Pipeline Integrity Workshop, Houston, Texas, May 17-18, 2005.

[14] The federal Clean Water Act goals are fishable, swimmable, and drinkable waters. HCAs currently ensure only drinkable waters.

[15] *Integrity Management for Gas Distribution: Report of Phase 1 Investigations*, December 2005 (http://www.cycla.com/opsiswc/docs/S8/P0068/DIMP_Phase1Report_Final.pdf).

[16] 49 USC 60110.

[17] National Transportation Safety Board Safety Recommendation P-01-1, 2. June 22, 2001 (http://www.ntsb.gov/recs/letters/2001/p01_1_2.pdf).

Association of Fire Fighters and the International Association of Fire Chiefs supports this mandatory installation position.[18] The Pipeline Safety Trust commissioned an independent review of the literature and science on excess flow valves, and that review came to the same conclusion.[19]

The current Phase 1 report does not ask for mandatory EFV installation, but instead states that "It is not appropriate to mandate excess flow valves (EFV) as part of a high-level, flexible regulatory requirement. An EFV is one of many potential mitigation options."[20] Congress should ask PHMSA and the pipeline industry how they plan to explain to the families of those killed in the future because of the lack of a $5-15 excess flow valve how a "flexible regulatory requirement" protected their loved ones.

Natural gas transmission pipeline integrity management reassessments. The 2002 reauthorization of the pipeline safety statute included some prescriptive language covering natural gas transmission pipeline integrity management timeframes. This was needed because – even though the hazardous liquid pipeline integrity management program was developed through rulemaking – it was clear to those involved that the timeframes for baseline and reassessment integrity assessments for natural gas transmission pipelines were highly contentious and needed to be resolved by Congress for a rulemaking to move forward. Since it is now only 2 ½ years after the integrity management rule for natural gas transmission pipelines was issued and there have not been enough completed baseline assessments or any seven-year reassessments to know with any certainty the appropriate reassessment interval, it is not a sound technical decision to move forward with any changes to the Congressionally-mandated reassessment interval at this time. Additionally, the U.S. Government Accountability Office stated in its March 16, 2006 testimony that it would not complete its report on the reassessment interval until fall 2006,[21] further arguing against any change to the reassessment interval at this time.

Summary

In conclusion, Congress should pursue the following oversight and reauthorization items:

10. Public information – direct PHMSA to:
    a) Reinstate public access to the National Pipeline Mapping System,
    b) Create a web-based enforcement document docket,
    c) Remove regulatory exemptions from over-pressurization reporting
11. Ensure that PHMSA develops oil pipeline shut-off valve location and performance standards
12. Ensure that PHMSA issues leak detection system performance standards for oil pipelines in High Consequence Areas

[18] Letter from the International Association of Fire Fighters and the International Association of Fire Chiefs to U.S. Department of Transportation Secretary Mineta, January 20, 2004, DOT Docket Management System #RSPA-2003-14455-49.

[19] *A Simple Perspective on Excess Flow Valve Effectiveness in Gas Distribution System Service Lines*, Richard B. Kuprewicz for the Pipeline Safety Trust, July 2005 (see http://www.pstrust.org/library/pdf/issuedEFV_Report.pdf).

[20] *Integrity Management for Gas Distribution: Report of Phase 1 Investigations*, op. cit., p. 14.

[21] *Gas Pipeline Safety: Preliminary Observations on the Integrity Management Program and 7-Year Reassessment Interval*, Testimony by Katherine Siggerud, U.S. Government Accountability Office, March 16, 2006, Highlights.

13. Reauthorize and ensure that Congress appropriates money for Pipeline Safety Information Grants
14. Remove the "low-stress" oil pipeline exemption
15. Require PHMSA to provide web-based data on federal and state pipeline inspection and enforcement activities and an annual report to Congress on civil and criminal enforcement including penalty issuance and collection, and allow state regulators to pursue enforcement on interstate pipelines
16. Direct PHMSA to expand High Consequence Areas so they include cultural and historic sites, parks and refuges, and fishable and swimmable waters
17. Mandate a deadline for distribution pipeline integrity management regulations to be in place
18. Maintain the current natural gas transmission pipeline integrity management reassessment interval.

Thank you very much for your interest in pipeline safety. Please feel free to contact me at any time with your questions or comments.